

REMARKS

Claims 1, 5-8, 10-17, 19-31 and 62-63 are pending in the application.

The examiner's claim rejections are overcome or they are traversed as set forth below.

I. THE CLAIMED INVENTION

The claimed inventions are directed to pharmaceutical compositions. The compositions include one or both of the listed A_{2A} receptor agonist compounds. The claimed pharmaceutical compositions further include:

. . .at least one liquid carrier, wherein said at least one liquid carrier comprises water, distilled water, de-ionized water, saline, a buffer, or combinations thereof, and at least one co-solvent . . . wherein the pH of said pharmaceutical composition is from about 8.5 to about 10.”

In independent claim 1 the co-solvent is methylboronic acid or borate buffer. In independent claim 62, the co-solvent is propylene glycol or polyethylene glycol. The recited formulations have surprisingly been found to improve the A_{2A} receptor agonist solubility and storage properties. It is the pharmaceutical formulation as a whole, including agonist composition and the liquid carrier and one of the two specified co-solvents at the specified pH that are the claimed and inventive compositions of this invention.

II. THE DOUBLE PATENTING REJECTIONS

The examiner issued a plethora of double-patenting and provisional double-patenting rejections against the pending application claims.

The claimed pharmaceutical compositions are patentably distinct in view of each of the cited patents and patent applications at least because none of the recited patents or patent applications disclose or claim an A_{2A} receptor agonist formulated with a liquid carrier and one of the two specified co-solvents all at a pH of from about 8.5 to 10.

III. THE 102(F) REJECTIONS

The examiner rejected all pending application claims under 35 USC §102(f) in view of U.S. Patent Application Serial Nos. 11/522,120, 11/588,834, 10/629,638 and 11/253,322.

The examiner's 102(f) rejections are hereby traversed as follows:

- Applications 11/522,120 and 11/588,834 fail to demonstrate that the claimed invention was invented by another at least because the '120 and the '834 applications do not disclose pharmaceutical compositions including the claimed co-solvents.
- Application 10/629,638 fails to demonstrate that the claimed invention was invented by another at least because the '638 application does not disclose pharmaceutical compositions including the claimed co-solvents.
- Application 11/253,322 fails to demonstrate that the claimed invention was invented by another at least because (1) the '322 application discloses but does not claim pharmaceutical compositions including the claimed co-solvents; and (2) because the disclosure regarding the co-solvents was not added to the '322 application until October 19, 2005 – well after the January 27, 2004 filing date of the present application.

Under §102(f), a person is entitled to a patent unless he himself did not invent subject matter sought to be patented. None of the references cited by the examiner suggest that the current inventors did not invent the claimed invention. Therefore, the examiner's 102(f) rejections should be withdrawn.

IV. THE 102(B) & 102(E) REJECTIONS

The examiner rejected all pending application claims for being anticipated by either the Zablocki '807 patent, the Zablocki '567 patent or the Gao et al. reference.

The claimed pharmaceutical compositions are novel and patentable over the references recited above at least because none of the recited references disclose an A_{2A} receptor agonist formulated with a liquid carrier and with one of the claimed co-solvents all at a pH of from about 8.5 to 10.

Applicants submit that the claims are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated. Should the Examiner have any questions, he is invited to contact the undersigned attorney at (312) 913-2123.

Respectfully submitted,

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